IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.3697 OF 2005

Mr.Yogesh H.Mehta ..Applicant
Vs.
State of Maharashtra & Anr. ..Respondents

...
Mr.Kumar Tolani i/b M/s. Nankani &
Associates for Applicant
Ms.S.V.Gajare, A.P.P. for the State
...

CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : JUNE 20, 2005

P.C.

1. Heard the learned advocate for the applicant and the learned A.P.P. for the State.

2. The applicant is seeking quashing of process issued in C.C.No. 3232/S/2002 by the learned Spl.Metropolitan Magistrate, Court Room No.25 of the Small Causes Court, Mumbai. The said case is under Section 138 r.w. 141 of Negotiable Instruments Act.

3. For the reasons recorded in my order dated 8th June, 2005 in Cri.Application No. 645 of 2005 and

order dated 13th June, 2005 in W.P.No. 213 of 2005, in my view, it is clear that the applicant has an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the applicant prefers a revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the applicant to prefer the necessary revision before the concerned Sessions Court. Exemption is granted to the applicant from personal appearance before the trial Court for a period of three weeks from today.

5. On the necessary revision being preferred by the applicant before the concerned Sessions Court, the concerned Sessions Court shall dispose of the matter on merits after hearing the necessary parties.

6. Criminal Application is disposed of.

[V.K.TAHILRAMANI,J.]